



**STATE OF ARKANSAS
TOWING & RECOVERY BOARD
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Representative
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Noel Foster
Treasurer
Citizen Representative
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Tommy Brown,
Citizen Representative
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MINUTES

December 02, 2009

The Arkansas Towing & Recovery Board convened on Tuesday, December 02, 2009 at 9:39 a.m. in the 2nd floor conference room of the Attorney General's Office at 323 Center Street, Little Rock, Arkansas. Chairperson Glenna Butler called the meeting to order with roll call. Chairperson Glenna Butler, Treasurer Noel Foster, and Members: E. L. Jacobs, Charles Bokker, Jr., Ronnie Walker, Avon Phillips Jr., Mary Thoma, and Tommy Brown, were in attendance. Board Director Cynthia Lauen, Clerical Assistant April Staggs, Board Investigator Gary Ashcraft, Board Consultant B.G. Hendrix, and Board Legal Counsel Rebsamen, were also, present. Vice- Chairperson Wayne Edwards, prior engagement, was not present.

Chairperson Glenna Butler confirmed members had received the Minutes from the October 27, 2009, meeting with a Motion by Jacobs and a 2nd by Foster, the Board voted 8-0-1 to accept the Minutes as written.

Treasurer Foster reported expenditures of \$ 5,046.09 and revenues of \$ 8,646.77 for a checkbook balance as of December 2, 2009 of \$ 130,858.64. (Note: Copy Treasurers' Reports are filed with these Minutes).

Chairperson Glenna Butler welcomed guests.

Disciplinary Hearing

1. Complaint No. 09-06-151 – Randall and Jennifer Wilson DBA Wilsons Towing & Recovery: Guilty violation A.C.A. 27-50-1201; towing out of compliance, 116 tows with out proper safety license and permits, and excessive pricing; Fined \$7800.00.
2. Complaint No. 09-06-158 – Combs and Burks Wreckers Service, Inc.: Guilty violation A.C.A 27-50-1208; failure to notify; Fined \$1000.00
3. Complaint No. 09-09-031 – Francisco J. Mended Peral DBA Javier's Auto Shop: Guilty violation of A.C.A. 27-50-1201; towing out of compliance, 2 tows with proper safety license and permits; Fined \$ 2100.00.
4. Complaint No. 10-10-050 – David Von Canon DBA Recovery Files: Guilty violation A.C.A. 27-50-1201, 2 towing with out proper safety license and permits; Fined \$ 600.00.

Meeting reconvened 1:10 p.m.

On-Going Business

1. **Progress Report:** Clerical Assistant Staggs reported as of December 02, 2009: 46 non-consent safety licenses; 54 new, 41 1st renewal, and 46 2nd renewal non-consent permits; 10 consent safety licenses, 03 new, 09 1st renewal, 01 2nd renewal and 03 Trailer consent permits were issued, 13 walk-in applications, 15 applications with deficiencies, and 15 unprocessed applications. (Note copy of Clerical Report is filed with these Minutes). Board opened up discussion of the common problems slowing down the processing of application. A list of common problems was submitted, after some discussion with a motion Phillips and 2nd by Brown, the Board voted 8-0-1 allowing suspense file to not be mandatory but used at the discretion of Office Staff for incomplete applications as directed by the Board Director, incomplete applications can be rejected and returned to towing operators for their competition and late fees would apply upon expiration of Safety license and permits.
2. **Complaints Report:** Board Investigator Ashcraft reported as of December 02, 2009: 18 telephone complaints, 16 written complaints, and 00 Notices of Non-renewal were sent. An estimated 70 pending complaint investigations, 04 pending complaint hearings, and 11 closed complaints. 00 Offer of Settlements were sent. The complaints were broken down into itemized categories on the report. (Note: copy of Complaint Report is filed with these minutes)
3. **Administrative Appeals:** Board Council Rebsamen reported on 4 complaints on appeal:
 - A. **Complaint No. 06-12-158:** Asher Wrecker Service, Inc.: Issue with the record and waiting on briefing schedule.
 - B. **Complaint No. 08-11-061 and 08-12-070:** Steve's Auto Center of Conway, Inc.: Waiting for declaratory judgments. Appeals are still pending, waiting on briefing schedule on appeals.
 - C. **Complaint No. 08-06-150:** Gene Zajac DBA Blue Hill Wrecker Service: Record has been filed waiting on a briefing schedule approval.
 - D. **Complaint No. 09-01-093 and 2009-09-045:** Glover's Transmission and Rear End, Inc; Appeal record has been filed and in process of setting briefing schedule.
 - E. **Complaint No. 09-03-110:** Troy Mullins filed an appeal, waiting on briefing schedule.

Old Business

1. **Arkansas State Police:** Ashcraft reported we continued work with Captain Mark Allen. On-going discussions has been focused on the education of road troopers on the towing laws.
2. **Public Service Advertisements:** Director Lauen reported nothing new and was tabled until next meeting.
3. **Offer of Settlements:** Lauen reported work had been completed for the new offers of settlements, copies of the new offer settlements were supplied to each board member. Lauen asked to table for next meeting to give Board members time to review new offers of settlement.

Other Business

1. **Next Meetings:** January 27, 2010, 2nd floor conference room, Tower Building, 323 Center, Little Rock, Arkansas.

Meeting adjourned 1:45 p.m.

Signed _____
Glenna Butler, Chairperson or
Wayne Edwards, Vice-Chairperson

Attest _____
Cynthia Lauen, Director

Approved _____ (Date)